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United States Patent Office

Examiner:

M. Fred Kianetsi

Group Art Unit:

2145

Tel No:

703- 305-4650

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703- 872-9306

FROM:

J. B. Kraft

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Docket No. US91000748US1 Serial No. 09/714,725 Atty: J. B. Kraft

Applicant:

G. F. McBrearty et al☒ Transmittal Letter (2 copies)☐ Certificate of Facsimile☒ Preliminary Amendment Response☐ Notice of Appeal☐ Amendment AF☐ Appeal Brief (3 copies)☐ Ext. of Time☐ Reply Brief☐ IDS Statement☐ Change of Address☐ Other

Deposit Acct. No.

09-0447

Fees: Amendment

Notice of Appeal

Appeal Brief

☒ Other

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PATENT
09/714,725

NOV 02 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2145
: Examiner: Kianersi, Mitra
Gerald F. McBrearty et al. : Intellectual Property
Serial No: 09/714,725 : Law Department - 4054
Filed: 11/16/2000 : International Business
Title: LINKING A USER : Machines Corporation
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I, hereby certify that this correspondence including The present Preliminary Response is being transmitted via facsimile to USPTO, Group Art Unit 2143 at telephone number 703-872-9306, and to the attention of Examiner M. Kianersi on November 2, 2004.

J. B. KRAFT

Signature

11/2/04
DatePRELIMINARY RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Final Rejection mailed
October 5, 2004.

AUS920000748US1

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PATENT
09/714,725


Applicants submit that this Final Rejection was premature. Attention is directed to Manual of Patent Examining Procedure, Section 706.07(a):

"....second or any subsequent actions shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims....".

In the present application, the claims have not been amended, and the Examiner has introduced a new ground of rejection.

Accordingly, it is respectfully requested that this Final Rejection be withdrawn, and that a non-final official action be issued so that Applicants may have an opportunity to make an appropriate amendment.

Respectfully submitted,


J. B. Kraft
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PLEASE MAIL ALL CORRESPONDENCE TO:

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